

CAUSE NO. 2023DCV-3214-E

CONCERNED OWNERS OF  
PORT ROYAL

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IN THE DISTRICT COURT

VS.

148<sup>th</sup> JUDICIAL DISTRICT

PORT ROYAL BY THE SEA  
CONDOMINIUM OWNERS  
ASSOCIATION, INC.

NUECES COUNTY, TEXAS

**TEMPORARY RESTRAINING ORDER**

The Application of Plaintiff, Concerned Owners of Port Royal, for a Temporary Restraining Order against Defendant, Port Royal by the Sea Condominium Owners Association, Inc., was presented to me, the undersigned District Judge. After reviewing Plaintiff's Original Petition, Request for Declaratory Relief and Application for Temporary Restraining Order, Injunctive Relief, and Appointment of a Receiver, the Court was of the opinion that the Application for a Temporary Restraining Order should be granted. Specifically, the Court finds that Plaintiff is entitled to the relief sought because the affidavit testimony supporting Plaintiff's Application is some evidence that Defendant's Board of Directors has misapplied Association funds and/or failed to make proper use of insurance claims proceeds and past assessments, that the Defendant's Board of Directors has now levied a new assessment of \$20,000,000.00 without a definite plan for reconstruction of the Common Elements and Units at Port Royal, and that the Association would be unable to refund the \$20,000,000.00 assessment if it is collected from the Owners of Units at Port Royal and then found to be wrongful, and therefore the facts alleged present an imminent threat of irreparable harm for which there is no adequate remedy at law unless Defendant is immediately enjoined as requested.

It is therefore, ORDERED, ADJUDGED AND DECREED that the Clerk of this Court shall issue a Temporary Restraining Order, effective pending the hearing set forth below, restraining Port Royal by the Sea Condominium Owners Association, Inc., and its agents, employees and those in active concert or participation with them, who have knowledge of this Order from engaging in the following acts with respect to the June 12, 2023, \$20,000,000.00 assessment:

1. Billing Owners;
2. Filing any lien affidavits or notices;
3. Attempting to collect;
4. Claiming the debt is owed to any third party;
5. Using the assessment as collateral for a loan;
6. Listing it on any resale certificate;
7. Incurring any debt to finance the improvements to be covered by the assessment;
8. Entering into contracts to commence or complete the improvements; and,
9. Suspending any Owner's right to vote or other rights or privileges of ownership due to non-payment,

provided that Plaintiff shall, prior to the issuance of said Order, post a surety bond in the form approved by the Court, or a cash deposit in lieu thereof, in the amount of \$ 10,000.<sup>00</sup> [which shall be deposited in the Registry of the Court], as security for any harm that might result to Defendant should this restraining order be found to not have been properly granted.

IT IS FURTHER ORDERED that a hearing on Plaintiff's Application for Temporary Injunction shall be held on the 9 day of OCTOBER, 2023, at 10 o'clock A.m. before the 148<sup>th</sup> Judicial District Court of Nueces County, Texas.

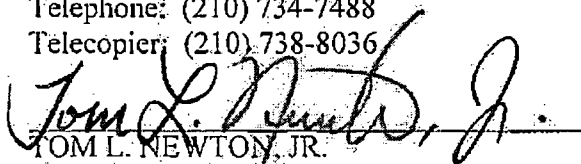
SIGNED this 5 day of SEPTEMBER, 2023, at \_\_\_ o'clock \_\_\_ .m.



HONORABLE DAVID KLEIN

APPROVED AS TO FORM AND SUBSTANCE:

ALLEN, STEIN & DURBIN, P.C.  
6243 IH-10 West, Suite 700  
San Antonio, Texas 78201  
Telephone: (210) 734-7488  
Telecopier: (210) 738-8036



TOM L. NEWTON, JR.  
State Bar No. 14982300  
Email: tnewton@asdh.com

ATTORNEYS FOR PLAINTIFF

3470-312 2480990 tg